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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,172	12/21/2001	Teruhiko Fujisawa	P6377a	9434
20178	7590	09/07/2005	EXAMINER	
EPSON RESEARCH AND DEVELOPMENT INC INTELLECTUAL PROPERTY DEPT 150 RIVER OAKS PARKWAY, SUITE 225 SAN JOSE, CA 95134			DESIR, PIERRE LOUIS	
			ART UNIT	PAPER NUMBER
			2681	

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/026,172

Applicant(s)

FUJISAWA ET AL.

Examiner

Pierre-Louis Desir

Art Unit

2681

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 15 August 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1,3-15,17 and 19-26.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

  
**JOSEPH FEILD**  
**SUPERVISORY PATENT EXAMINER**

Applicant argues, as related to Engelmann, that the non-time information that is displayed is not in accordance with the stored data (claim 26) or comparison result (claim 1, 17, 22). It is in accordance with the manual selection of switch 21. Also, the non-time display information is not displayed on a mechanically driven display member.

Examiner respectfully disagrees with applicant's assertions. As related to claim 26, Engelmann discloses that data, corresponding to an access authorization, the payment of a sufficient sum or even a suitable expiration date, is stored in the portable object (wristwatch) (col. 1, lines 20-24). Engelmann additionally discloses that an indication allowing the service which corresponds to the selected service to be visually identified. The services include unlocking a hotel room or payment of a cinema ticket. To be able to pay for the ticket the data stored in the object should correspond to the payment of a sufficient fund. (col. 3, lines 38-57). Thus, the service selected, which is visually identified, is in accordance with the appropriate stored data. Applicant did not specify in the claim that the stored data would be displayed. And, as stated by applicant, switch 24 can be manually moved between three positions to select and activate one of three services. The service selection which corresponds to the position of switch 24 can be visually identified. Thus, the display indicates service selection corresponding to the mechanical action of switch 24.

As related to Lee, which was combined with the Engelmann reference (as related to claim 1, 17, and 22), Applicant argues the result of the comparison is the transmission of a signal, which may result in the unlocking of a turnstile, or printing of a ticket. But the comparison result does not effect the movement of a mechanical time display.

Examiner respectfully disagrees with applicant's assertions. Lee discloses a portable electronic apparatus, which may be in the form of a wristwatch (see fig. 2C). A user possessing the electronic apparatus inputs a password data, the control means of the apparatus compares the input data with a previously stored data, and if they match, an enable indication appears on display means. Thus, Lee discloses displaying of non-time information in accordance with a comparison result data (see fig. 7, col. 8, lines 14-22).

As related to Nomura, Applicant states that the irregular movement, stated by Nomura, is not in accordance with a comparison of stored data to a value of predetermined data.

Examiner respectfully disagrees with applicant's assertions. Lee discloses It is also possible to adapt the invention in such a way that the detecting device is utilized to detect the temperature within the timepiece and thus modulate the display to give a clear indication of an abnormal internal temperature (col. 5, line 55 to col. 6, line 18). Thus, the temperature within the timepiece is inherently, continuously being compared with a predetermined abnormal temperature threshold, and when the temperature within the timepiece matches the predetermined abnormal threshold, an indication of the abnormal temperature is displayed.

pd  
08/26/2005